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BEFORE THE ARIZONA CORPORATION

Arizona Corporation Commission

COMMISSIONERS

DOCKETED

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

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IN THE MATTER OF THE APPLICATION OF  
TNCI OPERATING COMPANY LLC FOR  
APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE FACILITIES-BASED AND  
RESOLD LOCAL EXCHANGE; FACILITIES-  
BASED AND RESOLD LONG DISTANCE;  
SWITCHED ACCESS; AND PRIVATE LINE  
TELECOMMUNICATION SERVICES IN  
ARIZONA.

DOCKET NO. T-20882A-13-0108

**PROCEDURAL ORDER**  
**(Setting Hearing Date)**

**BY THE COMMISSION:**

On April 16, 2013, TNCI Operating Company LLC ("TNCI" or the "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based and resold local exchange; facilities-based and resold long distance; switched access; and private line telecommunication services in the State of Arizona. TNCI's application also requests a determination that its proposed services are competitive in Arizona.

On June 14, 2013, the Company filed an amendment to its application.

On August 9, 2013, the Commission's Utilities Division ("Staff") filed a Staff Report recommending approval of TNCI's application, subject to certain conditions.

On August 12, 2013, TNCI filed a Request for Waiver and/or Expedited Treatment ("Request"). The Request stated that TNCI needed expedited treatment of its application in order to complete a transaction whereas TNCI will acquire the estate of Trans National Communications International, Inc. ("TNCI-DIP") in a bankruptcy sale. As part of the bankruptcy sale, TNCI-DIP's customer accounts and accounts will be transferred to TNCI. TNCI states expedited treatment of its application is needed so that Arizona customers will not be harmed by TNCI-DIP's bankrupt status.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above-captioned application shall be held **September 23, 2013 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona.

IT IS FURTHER ORDERED that TNCI shall **publish, by August 30, 2013, notice of the application and hearing date** in a newspaper of general circulation in every county in Arizona in which TNCI desires to provide service, in the following form and style, with a heading no less than 10-point bold type, and a body in no less than 8-point regular type:

**IN THE MATTER OF THE APPLICATION OF TNCI OPERATING  
COMPANY LLC FOR APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES-BASED  
AND RESOLD LOCAL EXCHANGE; FACILITIES-BASED AND RESOLD  
LONG DISTANCE; SWITCHED ACCESS; AND PRIVATE LINE  
TELECOMMUNICATION SERVICES IN ARIZONA.  
(DOCKET NO. T-20882A-13-0108)**

On April 16, 2013, TNCI Operating Company LLC ("TNCI" or the "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based and resold local exchange; facilities-based and resold long distance; switched access; and private line telecommunication services within the State of Arizona. TNCI's application also requests a determination that its proposed services are competitive within Arizona. The Commission's Utilities Division ("Staff") has recommended approval of TNCI's application, subject to certain conditions. The Commission will issue a Decision following consideration of testimony and evidence presented at an evidentiary hearing. The Commission is not bound by the proposals made by TNCI, Staff, or intervenors. If the Company's application is approved, TNCI will be required to provide service under the rates, charges, terms and conditions established by the Commission. Copies of TNCI's application, Staff Report, and any written objections to the Staff Report filed by the Company will be available at TNCI's offices [Insert Company Address]; at the Commission's Docket Control Center at 1200 West Washington, Phoenix, Arizona; and on the internet via the Commission's website ([www.azcc.gov](http://www.azcc.gov)) using the e-Docket function.

The Commission will hold a hearing on TNCI's application on **September 23, 2013, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted by mailing a letter referencing **Docket No. T-02882A-13-0108** to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington Street, Phoenix, AZ 85007. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000 or 602-542-4251.

1 The law provides for an open public hearing at which, under appropriate  
2 circumstances, interested parties may intervene. Any person or entity entitled by law  
3 to intervene and having a direct and substantial interest in the matter will be permitted  
4 to intervene. If you would like to intervene, you must file a written motion to  
5 intervene with the Commission, and you must send copies of the motion to TNCI or  
6 its counsel and to all parties of record in the case. Your motion to intervene must  
7 contain the following:

1. The name, address, and telephone number of the proposed intervenor and of  
any person upon whom service of documents is to be made if different from  
the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g.,  
a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed  
to the Company or its counsel and to all parties of record in the case.

9 The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except  
10 that all motions to intervene must be filed on or before September 16, 2013. The  
11 granting of intervention, among other things, entitles a party to present sworn  
12 evidence at the hearing and to cross examine other witnesses. However, failure to  
13 intervene will not preclude any interested person or entity from appearing at the  
14 hearing and making a statement on their own behalf. All parties must comply with  
15 Arizona Supreme Court Rules 31, 38, and 42 and A.R.S. §40-243 with respect to the  
16 practice of law.

14 The Commission does not discriminate on the basis of disability in admission to its  
15 public meetings. Persons with a disability may request a reasonable accommodation  
16 such as a sign language interpreter, as well as request this document in an alternative  
17 format, by contacting the ADA Coordinator, Shaylin Bernal, at SABernal@azcc.gov,  
18 voice phone number 602-542-3931. Requests should be made as early as possible to  
19 allow time to arrange the accommodation.

18 IT IS FURTHER ORDERED that TNCI shall file, by September 16, 2013, an Affidavit of  
19 Publication with the Commission.

20 IT IS FURTHER ORDERED that all motions for intervention shall be filed by September  
21 16, 2013, and shall be in accordance with A.A.C. R14-3-105.

22 IT IS FURTHER ORDERED that any objections to intervention(s) shall be filed by  
23 September 20, 2013.

24 IT IS FURTHER ORDERED that specific disagreements/comments, if any, to the Staff  
25 Report or application shall be filed by September 16, 2013.

26 IT IS FURTHER ORDERED that TNCI's request for expedited treatment of the hearing  
27 in this matter is hereby granted.  
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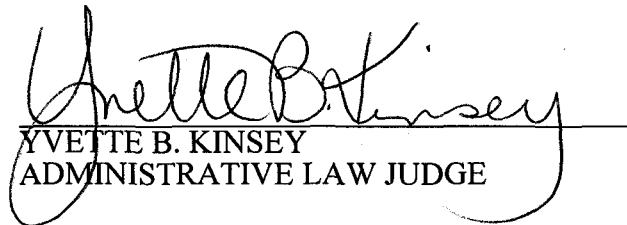
1 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court  
2 Rules 31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law in Arizona and before  
3 the Commission and admission *pro hac vice*.

4 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
5 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
6 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings  
7 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
8 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
9 Law Judge or the Commission.

10 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
11 Communications) applies to this proceeding and shall remain in effect until the Commission's  
12 Decision in this matter is final and non-appealable.

13 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive  
14 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

15 Dated this 15<sup>th</sup> day of August, 2013.

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19 YVETTE B. KINSEY  
20 ADMINISTRATIVE LAW JUDGE  
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Copies of the foregoing mailed/delivered  
this 15 day of August, 2013 to:

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